

Before the Board of Zoning Adjustment, D. C.

Application No. 11718 of George J. McDonald, pursuant to Section 8207.2 of the Zoning Regulations for a special exception to change a non-conforming use from a carry-out restaurant first floor and basement to an art gallery-display and sales first floor and basement, as provided by Section 7104.2 of the regulations, in the R-4 Zone located at 723 East Capitol Street, S. E., Lot 814, Square 898.

FINDINGS OF FACT:

1. The applicant proposes to change an existing non-conforming use which is that of a carry-out restaurant to an art gallery-display and sales.

2. Both the present use and proposed use are classified as C-2 uses by the Zoning Regulations.

3. At the Public Hearing, the applicant made an oral motion to amend his application to include a request for variance from the use provisions of the R-4 District for permission to also operate an antique shop with retail sales on the subject property, however, subsequent to the Public Hearing the applicant filed a motion to withdraw the amendment which was granted by the Board.

4. No opposition was registered at the Public Hearing.

5. The Capitol Hill Restoration Society supported the application on grounds that the proposed change would benefit the neighborhood by upgrading its general appearance without generating more traffic or trash.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, the Board concludes that the proposed change of use would be in harmony with the Zoning Regulations because the change is within the same use classification (C-1 to C-1). The Board is of the opinion that the proposed use would be more beneficial to the neighborhood than the present carry-out restaurant use because of the litter and trash problems generally created by carry-out restaurants. The Board further concludes, that the proposed change of non-conforming use, if granted, would not adversely affect neighboring property.

ORDERED:

That the above application be GRANTED.

VOTE:

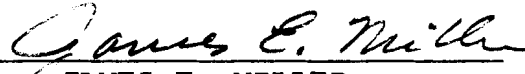
3-0 (Mr. Klauber and Lilla Burt Cummings, Esq., not
present and not voting)

HEARING DATE: September

EXECUTIVE SESSION: September 24, 1974

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER: OCT 1 - 1974

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX
MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY
PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT
WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF
THIS ORDER.